

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SINGULARDTV GMBH,

Plaintiff,

v.

ZACHARY LEBEAU and KIMBERLY
JACKSON,

Defendants.

Case No. 1:21-cv-10130

**SUPPLEMENTAL DECLARATION OF MICHAEL MRÁZ IN SUPPORT OF
MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, MICHAEL MRÁZ, states as follows:

1. I am a partner at Wenger Vieli AG, Zurich, Switzerland (“Wenger Vieli”). Wenger Vieli, acting through me, advises and represents SingularDTV GmbH (“SingularDTV” or the “Company”) in all legal matters in Switzerland, including corporate, notarial, dispute resolution, and criminal matters.

2. I submit this Declaration in support of SingularDTV’s Motion for Preliminary Injunction and as a supplement to my previous Declaration (Dkt. No. 18) in support of the same relief.

3. Article 9 of the Swiss Civil Code states as follows: “Public registers and public deeds constitute full proof of the facts evidenced by them, unless their content is shown to be incorrect. Such proof of incorrectness does not require to be in any particular form.” The Swiss Commercial Register (Art. 927 SCO) is to be qualified as a public register (BSK ZGB I-LARDELLI/VETTER, 6th ed., 2018, Art. 9 N 9). Article 9 Swiss Civil Code thus stipulates a rebuttable presumption that the content of the Swiss Commercial Register is accurate. This

increased probative value of these registers and deeds is justified by the fact that a specially trained official or deputy is involved in the creation of the evidence (CHK, Göksu Tarkan, 3rd ed., 2016 Art. 9 ZGB, Rz.1).

4. Under Swiss law, a legal presumption is rebutted only if proof to the contrary (in German: "*Beweis des Gegenteils*") has been provided by the party seeking to disprove the public register (BSK ZGB I-LARDELLI/VETTER, Art. 8 N 67). That Party thus has the burden of proof. For this proof, the ordinary standard applies which is significantly more than a mere preponderance of probability. The ordinary standard of proof requires a numerical probability of at least 90% (BSK ZGB I-LARDELLI/VETTER, Art. 8 N 17).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 10, 2021,
in the City of Zurich, Switzerland



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